

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER
DOCUMENTS WILL BE REVIEWED PRIOR
TO HEARING.**

Proposed Local Rules have been posted and can be viewed by visiting
<http://www.sbcounty.gov/courts/pdfs/misc/proposedrules.pdf>

The court welcomes your comments on these proposed rules. Please send them via E-mail to dmeyers@courts.sbcounty.gov or mail them to San Bernardino County Superior Court, 303 West Third Street, Mail Stop 240, San Bernardino, CA 92415. Comments are due by May 12, 2008. If sending comments close to the end of the comment period, please email only.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **PROBATE**

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600309

CASE NAME: VIRGINIA I SHERMAN

HEARING:
Accounting Review

COUNSEL:
NANCY CADENA (PET)...MARIA G NICIFOROS
VIRGINIA I SHERMAN (DEC)...
ADVANCE INHERITANCE (TP)...JAMES L LEESTMA

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 3/7/70, \$250,000 bond.
2. Need accounting or probate status report.
3. Court to notice bonding company.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600319

CASE NAME: DANNY EDWARD STOKES

HEARING:
Accounting Review

COUNSEL:
EDWARD STOKES (PET)...PATTEN FAITH & SANDFORD
DANNY EDWARD STOKES (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 3/7/70, no bond.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700087

CASE NAME: MTR OF PILAR MUNOZ

HEARING:
Petition for FOR FINAL DISTRIBUTION ON WAIVER OF ACCOUNTING

	COUNSEL:
IRENE MUNOZ	(PET)...PRO/PER
PILAR MUNOZ	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for final distribution upon waiver of accounting and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 4/17/07.
2. All heirs waive accounting.
3. Petitioner waives compensation. There is no atty for fees.
4. Need notice of hearing and proof of service (or waivers).

RECOMMENDATION

RFA subject to note 4. if approved, set hearing re receipts and final discharge for 5/20/09.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700581

CASE NAME: MTR OF IZOLA SUE FIGLEY-BAKER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ART FIGLEY (PET)...SANDY TURNER
IZOLA SUE FIGLEY-BAKER (DEC)...

GENERAL INFORMATION

Continued from 3/5/08 to research property tax certificate. (Representative had failed to complete Property tax certificate at section 5 of I&A.)

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal.

THE FOLLOWING ISSUES AND / OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Inventory and Appraisal has been filed, however, the statement re Property Tax Certificate is not completed. Need Property Tax Certificate.

RECOMMENDATION:

Require Property Tax Certificate.
Kms/gls/abs

Future Hearing Dates:

11/05/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700885

CASE NAME: FLORENCE HIGGINS EMMINGER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

NANCY OTT (PET)...MEDEIROS & ASSOCIATES
FLORENCE HIGGINS EMMINGER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 10/31/07, \$350,000 bond.
2. Bond has not been posted and letters have not issued. I&A therefore is not yet due.

RECOMMENDATION

Suggest court continue this I&A hearing for six months and set OSC re bond/letters forthwith.

FUTURE HEARING DATES:

1/07/09 Accounting Review

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800051

CASE NAME: ESTATE OF MARION KATHRYN MCADAMS

HEARING:

Petition for FOR ORDER DIRECTING TRUSTEE TO PRODUCE ORIGINAL
TRUST AND TO DELIVER STOCK

COUNSEL:

CHARLES TORPEY (PET)...ROBERTA L. TAYLOR & ASSOCIATES
MARION KATHRYN MCADAMS (DEC)...
KATHLEEN ANN SIVERSON (RES)...RONALD W ASK

GENERAL INFORMATION:

Continued from 3/5/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Order Directing Trustee to Produce
original Trust and to deliver Stock (Pr.C. §850)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Charles Torpey, is a brother of decedent, Marion Kathryn McAdams, who was a settlor of the Edwin Leonard McAdams and Marion Kathryn McAdams Trust dated 1/26/01. Petitioner alleges that prior to Marion McAdams' death that there were discussions that the Colgate-Palmolive stock was to be transferred to him at the time of her passing. Petitioner also alleges that in 2004, Marion McAdams showed the petitioner her Trust which designated the stock to petitioner. The Successor Trustee of the Trust is Kathleen Ann McAdams Siverson, daughter of the decedent, who claims to be the sole beneficiary of the Trust, including said stock. Petitioner also alleges that the Trust document produced by Kathleen Adams Siverson has a completely different type style and spacing on pages 5-6 under the distribution provisions. Petitioner believes that Kathleen McAdams Siverson has altered the Trust document. Furthermore, the actual stock certificate numbers are listed on page 6 of the Trust. Petitioner alleges the stock certificate numbers could not have existed in 2001 (the date of the

Trust) because the settlor distributed some of the stock to him in 2004 with the balance to be transferred upon settlor's death in accordance with their agreement. Petitioner requests Kathleen McAdams Siverson be required to deliver the stock to him. Finally, petitioner requests double damages per Pr.C. §859.

2. No responsive pleadings are filed at the time of the review of this file.

RECOMMENDATION:

Need to determine whether objections will be filed and set for evidentiary hearing.

(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800313

CASE NAME: RAYMOND G JOSEPH

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

FAYE W JOSEPH (PET)...CALDWELL, KENNEDY & PORTER, A.
RAYMOND G JOSEPH (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive bond. Signature of one heir (Jennifer Joseph) is a fax copy.
Does court wish to require original? JTD

RECOMMENDATION

RFA, no bond. If approved, set hearing re Inventory & Appraisal for 12/17/08. Set accounting/status review for 7/22/09. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

/abs/gls

Superior Court of Calif, County of San Bernardino

Page: 8

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800317
CASE NAME: MAURICE GEORGE LONG

HEARING:
Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:
JEANNE F LONG (PET)...DEBRA S POPINEAU
COLLEEN P CRIFFIELD (PET)...DEBRA S POPINEAU
MAURICE GEORGE LONG (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for letters testamentary (will and codicil), full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond. However, the co-petitioners are WA and NV residents. This court typically requires bond of non-resident representatives even upon bond waiver. Does court wish to require minimum bond (\$20,000) or full bond (\$840,000)? JTD.
2. Section 9 does not include all people listed in the documents to be probated (e.g., spouse Mary Jo Long) and all people listed in the codicil. See instructions at section 9 of petition. **Supp: Mary Jo Long predeceased (DOD: 8/27/07). All others entitled to notice were previously given notice.**
3. Codicil contains interlineations. Upon probating documents, the court must determine the validity of all documents and interlineations. **Supp: Petitioner alleges that the items interlineated were not assets of the estate at the date of decedent's death. Petitioners do not know the date those changes/interlineations were made. A Proof of Subscribing Witness pertaining to the Codicil has been given and filed with the court 4/11/08.**

RECOMMENDATION RFA subject to court's determination of bond. If approved, court to set hearing on the filing of the inventory and appraisal for 12/17/08. Set Accounting Review for 7/15/09. Accounting to be filed 30 days in advance.
/abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800327

CASE NAME: CAROLINE R KAMPMEIER

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

FRED G SCHURMAN II (PET)...GUAY P WILSON
CAROLINE R KAMPMEIER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION

RFA, no bond. If approved, set hearing re Inventory & Appraisal for 12/17/08. Set accounting/status review for 7/22/09. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

/abs/kra

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: RC RS00546

CASE NAME: HELEN C BOYLES

SEE ALSO 11 AND COMPANION FILE RPRRS02845 E1 PAGES 13 & 14

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
CAROLANN R STONEY (PET)...ALLAR, SHELTON & O'CONNOR
CELIA D MCDONALD (PET)...ALLAR, SHELTON & O'CONNOR
HELEN C BOYLES (PCE)...

GENERAL INFORMATION:

On 6/20/06, Court was informed conservatee died on 11/9/05 (current probate file is RPRRS002845).

Continued from 9/12/06, 12/19/06, and 1/9/07 Matter is trailing probate case

Continued from 4/9/07, 7/23/07, and 10/29/07 at request of counsel. Nothing new filed.

Continued from 1/14/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Conservatorship issued 8/1/05 and conservatee died 11/9/05.
2. No inventory is filed (2 years+ overdue).

RECOMMENDATION:

See notes on following page.

(/KRA/abs).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: RC RS00546

CASE NAME: HELEN C BOYLES

SEE ALSO 10 AND COMPANION FILE RPRRS02845 E1 PAGES 13 & 14

HEARING:
Accounting Review

COUNSEL:
CAROLANN R STONEY (PET)...ALLAR, SHELTON & O'CONNOR
CELIA D MCDONALD (PET)...ALLAR, SHELTON & O'CONNOR
HELEN C BOYLES (PCE)...

GENERAL INFORMATION:

Letters of Conservatorship issued 8/1/05

1st account is due for the period 8/1/05-current date

On 6/20/06, Court was informed conservatee died on 11/9/05 (current probate file is RPRRS002845)

Continued from 9/12/06 and 12/19/06, and 1/9/07 Matter is trailing probate case

Continued from 4/9/07, and 7/23/07 at request of counsel. Hearing to join companion file.

Continued from 10/29/07 at request of counsel. Nothing new filed.

Continued from 1/14/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing an I&A and an accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No inventory is filed. (See notes on prior page.)
2. No accounting is filed. If no assets were marshaled in conservatorship, court may wish to just require a final report to close out conservatorship.
3. Related matter is also on calendar this date.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505.

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(/KRA/abs).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02677

CASE NAME: SUSAN M PROCTOR

VACATED- FINAL DISCHARGE IS APPROVED AND SUBMITTED FOR SIGNATURE.

HEARING:
Hearing re Final Discharge

	COUNSEL:
ROBERT L PROCTOR	(PET)...HARVEY M. PAYNE & ASSOCIATES
ANNETTE L ZALAH	(PET)...HARVEY M. PAYNE & ASSOCIATES
SUSAN M PROCTOR	(DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02845

CASE NAME: HELEN C BOYLES

SEE ALSO 14 & COMPANION FILE RCRS00546 E1 PAGES 10 & 11

HEARING:

Petition for determine title to Real property filed 12/14/05
06/13/06

COUNSEL:

CAROLANN R STONEY	(PET)...ALLAR, SHELTON & O'CONNOR
CELIA D MCDONALD	(PET)...ALLAR, SHELTON & O'CONNOR
HELEN C BOYLES	(DEC)...
THOMAS A BOYLES	(OBJ)...MICHAEL MALAFOURIS & ASSOCIATE

GENERAL INFORMATION

Continued from 4-11-06, 6-13-06, 9/5/06 & 12/19/06 for discovery purposes.

Continued from 1/9/07 and 4/9/07 at request of counsel to clear notes.

Continued from 7/23/07 at request of counsel. Nothing new filed.

Continued from 10/29/07 at request of counsel. Nothing new filed.

Continued from 1/14/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to determine title to real property
Pr.C§850.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are the surviving children of the decedent. They allege that their mother owned property in her own name prior to her marriage to Thomas Boyles. They allege that their mother kept the property in her name alone until 9-22-98 at which time she transferred title to herself and Thomas Boyles as joint tenants. They allege that this was done as the result of duress, fraud or undue influence.
2. A response has been filed denying the allegations and alleging that the property was properly transferred and that the grant deed is not void or voidable.

3. Proof of personal service on Mr. Boyles is not apparent. However, he has responded and can therefore be deemed to have subjected himself to the jurisdiction of the court.

RECOMMENDATION: Matter is contested and should be set on the contested calendar. Court will need to set trial date so the parties will know when the discovery cut-off would occur.

(/KRA/abs).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02845

CASE NAME: HELEN C BOYLES

SEE ALSO 13 & COMPANION FILE RCRS00546 E1 PAGES 10 & 11

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

CAROLANN R STONEY	(PET)...ALLAR, SHELTON & O'CONNOR
CELIA D MCDONALD	(PET)...ALLAR, SHELTON & O'CONNOR
HELEN C BOYLES	(DEC)...
THOMAS A BOYLES	(OBJ)...MICHAEL MALAFOURIS & ASSOCIATE

GENERAL INFORMATION Special letters issued 12-14-05.

Continued from 4-11-06, 6-13-06, 9/5/06 & 12/19/06 for purposes of discovery.

Continued from 1/9/07 and 4/9/07 at request of counsel. Nothing new filed.

Continued from 7/23/07 at request of counsel. Nothing new filed.

Continued from 10/29/07 at request of counsel. Nothing new filed.

Continued from 1/14/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to administer with limited I.A.E.A and \$5,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner request bond of \$5,000. Minimum bond is \$20,000. Minimum bond appears adequate, as limited powers are sought.
2. Objection has been filed by the surviving spouse of the decedent. He alleges that as the petitioners have filed a petition to determine title to real property and that the purpose of this petition is to take property away from a potential beneficiary a conflict of interest exists. Objector offers no authority for this position and objector has not filed his own petition for probate. Grounds for denial of a petition are the same as the grounds for removal. It is assumed that the objector's position is that

denial is necessary for the protection of an interested person or that the petitioners are incapable of carrying out their duties. Pr.C. § 8502. However, it should be noted that the petitioners have put the matter properly before the court to determine right to entitlement. They have not attempted to confiscate the property without notice. It would appear that while the parties hold different opinions as to who might be entitled to the property it does not appear that they are attempting act without proper authority and rulings of the court. Judge to decide.

RECOMMENDATION:

None.

(/KRA/abs).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS04287

CASE NAME: EST OF ANNEMARIE SHORT

SEE ALSO 16

HEARING:
Hearing Re: FIRST AND FINAL ACCOUNT.

COUNSEL:
MARY E QUANSTROM (PET)...PRO/PER
ANNEMARIE SHORT (DEC)...
SEAN SHORT (OBJ)...PRO/PER
KELLY SHORT (EDWARD B FISCHEL)...EDWARD B

See next page.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS04287

CASE NAME: EST OF ANNEMARIE SHORT

SEE ALSO 15

HEARING:
OSC re: REMOVAL OF ADMINISTRATOR

COUNSEL:
MARY E QUANSTROM (PET)...PRO/PER
ANNEMARIE SHORT (DEC)...
SEAN SHORT (OBJ)...PRO/PER
KELLY SHORT (EDWARD B FISCHEL)...EDWARD B

GENERAL INFORMATION:

Continued from 9/22/06 for petitioner Sean Short to consult with new counsel.
Continued from 1/25/07. No appearance and court set this OSC re removal. Clerk ordered to notice Public Administrator re possible appointment
Continued from 3/29/07 to clear calendar notes. Nothing new filed.
Continued from 6/14/07 and 8/9/07. No appearance after Citation served. Court issued bench warrant and set bail at \$114,000. Court orders notice to Public Administrator re possible appointment of successor.
Continued from 9/20/07. Public Administrator states there are no assets in this estate to administrator and Court does not appoint Public Administrator.
Continued from 11/15/07 at request of administrator. Nothing new filed.
Continued from 01-10-08 for objector, Sean Short, to subpoena Mary Quanstrom to appear. Nothing new filed.
Continued from 3/19/08. Mrs. Quanstrom was ill. Court ordered Sean Short to file an accounting and serve all parties. Nothing new filed.

THIS CASE IS SET FOR HEARING ON OSC re removal for failure to clear notes
First and Final Accounting by administrator Sean Short.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died in 2001.
2. Mary Quanstrom was appointed special administrator in 2001.
3. Per 11/4/02 settlement agreement and release, Quanstrom resigned as special administrator and Sean Short (decedent's son and one of two beneficiaries) was appointed administrator.
4. Order for acceptance of first and final account of Quanstrom was entered on 2/6/06.
5. Short failed to file an I&A or accounting for years, failed to appear for multiple hearings, and the court suspended Short, issued a citation, and set an OSC re OSC re removal/surcharge. At the 6/30/06 hearing, the court set a 9/22/06 hearing on first and final accounting by Sean Short. No accounting appears in court file or register of actions. Additional notes below are for court's background information.
6. Short filed an I&A indicating zero estate value on the basis that there have been no assets received from special administrator Quanstrom.
7. Transfer of assets does not add up per court file – final accounting by Quanstrom reflected \$114,000 assets on hand and listed assets that were allegedly already turned over to Short or his attorney yet Short claims no assets have been received. No receipts have been filed.
8. Attorney Rich has substituted out of case – Sean Short is now in pro per.
9. **Declaration/Report of Deputy PA filed 8/31/07, indicates that no assets have been located to administer.**

RECOMMENDATION

Court's discretion.

(/vet/abs/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07241

CASE NAME: ESTATE OF MIGUEL GONZALEZ RAMIREZ

SEE ALSO 18

HEARING:
Hearing Re: STATUS OF ADMINISTRATION REPORT.

COUNSEL:
DANY AUDREY NORIEGA (PET)...CURTIS R AIJALA
MIGUEL GONZALEZ RAMIREZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Probate status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 1/3/07.
2. Representative reports that the estate is not ready to close because estate real property must be sold. Representative requests at least an additional 90 days for administration.
3. Notice of hearing and proof of service is filed, however, notice does not comply with Pr.C. §12201. Need proper notice.

RECOMMENDATION

Need proper notice. If approved, set next accounting review for 12/17/08. Accounting to be filed 30 days in advance.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07241

CASE NAME: ESTATE OF MIGUEL GONZALEZ RAMIREZ

VACATED- STATUS REPORT FILED.

SEE ALSO 17

HEARING:
Accounting Review

COUNSEL:
DANY AUDREY NORIEGA (PET)...CURTIS R AIJALA
MIGUEL GONZALEZ RAMIREZ (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002893

CASE NAME: ESTATE OF ANN E LUNA

SEE ALSO 20 & 21 & 22

HEARING:
Hearing Re: Status.

COUNSEL:
REGINA M BADILLO (PET)...CHARLES P BROWN
ANN E LUNA (DEC)...
BARRY ESKIN (PET)...PRO/PER
STEPHEN CHRISTOPHER LUNA (OBJ)...CHARLES D RICHMOND ESQ
ALMA CARPENTER (CHARLES P BROWN)...CHARLES P
CHARLES P BROWN ESQ ()...

No notes – status hearing (see following pages for underlying matters).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002893

CASE NAME: ESTATE OF ANN E LUNA

SEE ALSO 19 & 21 & 22

HEARING:
Hearing Re: Objections to I & A.

COUNSEL:
REGINA M BADILLO (PET)...CHARLES P BROWN
ANN E LUNA (DEC)...
BARRY ESKIN (PET)...PRO/PER
STEPHEN CHRISTOPHER LUNA (OBJ)...CHARLES D RICHMOND ESQ
ALMA CARPENTER (CHARLES P BROWN)...CHARLES P
CHARLES P BROWN ESQ ()...

GENERAL INFORMATION:
On 6/27/07. Partial corrected number 3 filed 6/14/07 is deemed final I&A. Objection to Harley Davidson tools and Jeep – court notes objection.
Continued from 9/19/07 to be heard with other matter.
Continued from 9/26/07 to be heard with other matter.
Continued from 11/14/07 upon stipulation of parties (to meet hearings on accountings).
Continued from 12/12/07. Objections to second account/petition for surcharge to be filed and parties to attend mediation.

THIS CASE IS SET FOR HEARING ON Objections to I&A

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Objection to partial I&A filed by beneficiary Regina Badillo, as to form and content of the inventory. Second objection requests the court reject the I&A dated 6/13/07 as it does not list personal property including tool chests and Jeep. Third objection filed indicating the issue re the Jeep has been resolved

and the Jeep has been added to the partial inventory #4. However, there is still the issue with the tool boxes and now \$2,000 cash that objector alleges was given to the executor/brother by the hospital staff.

RECOMMENDATION:
Set for contested hearing.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002893

CASE NAME: ESTATE OF ANN E LUNA

SEE ALSO 19 & 20 & 22

HEARING:

SECOND Account and Report of STEPHEN CHRISTOPHER LUNA and
Petition for allowance of fees filed.

COUNSEL:

REGINA M BADILLO (PET)...CHARLES P BROWN
ANN E LUNA (DEC)...
BARRY ESKIN (PET)...PRO/PER
STEPHEN CHRISTOPHER LUNA (OBJ)...CHARLES D RICHMOND ESQ
ALMA CARPENTER (CHARLES P BROWN)...CHARLES P
CHARLES P BROWN ESQ ()...

GENERAL INFORMATION

**Continued from 12/12/07. Objections to second account/petition for surcharge to be
filed and parties to attend mediation.**

THIS CASE IS SET FOR HEARING ON

Second account and report of administration.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. I&A and first account are still pending – see other pages this date. This second accounting cannot be approved until those issues are resolved because no accurate starting assets would be determinable.
2. Account/report period 4/3/05 to 10/11/07.
3. Petitioner reports that the estate is not ready to close because of unspecified pending litigation.
4. Schedule of receipts shows many entries for thousands of dollars with source of receipt but no explanation. Need verified supplement.

5. Schedule of disbursements indicates the following concerns (need verified supplement):
 - a. \$3,500 to beneficiaries on 5/16/05 apparently without any authority of the court. Need verified supplement supporting ability to make unauthorized preliminary distributions.
 - b. \$9,416 reimbursement to petitioner without court approval. Another \$2,501.33 on 12/15/06.
 - c. Many payment to First Horizon without explanation.
 - d. \$11.25 to post office on 6/17/05 without explanation. If this is a cost of administration then it is not allowable per Local Rule.
 - e. \$117 for a water system without explanation (and later \$58.50 disbursements for same).
 - f. Direct TV and Verizon for many months – explain how benefits estate (could have been turned off). Does someone live at decedent's prior residence?
 - g. Power Washer on 7/26/05 for \$95.61 without explanation.
 - h. BBQ grill on 7/29/05 for \$60.07 without explanation.
 - i. \$688.91 to Harley Davidson dealership on 10/14/05 without explanation.
 - j. \$875 for jewelry appraisal 2/27/07. How does this relate to Probate Referee fees?
6. Schedule 4 of reimbursed expenses indicates the following concerns:
 - a. \$80.18 for Onstar – communications with hospital. Large amount and needs explanation.
 - b. Many line items for gas, food, Verizon, and lodging for entire family. On what basis were these an estate obligation?
 - c. DirectTV and water system listed in reimbursements. How is this a benefit to the estate?
7. Need notice of hearing and proof of service.

RECOMMENDATION

Need to resolve issues re I&A and to clear notes. As this is not a final accounting anyway and in light of the substantial concerns, court may wish to consider this a status report only, set new accounting review date after inquiring re additional time needed to administer estate, and require complete new final accounting when estate is ready to close. (For now, minimally proof of service of this accounting should be required to allow any interest parties to respond re concerns.)

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002893

CASE NAME: ESTATE OF ANN E LUNA

SEE ALSO 19 & 20 & 21

HEARING:

FIRST Account and Report of STEPHEN CHRISTOPHER LUNA and
Petition for allowance of fees filed.

COUNSEL:

REGINA M BADILLO (PET)...CHARLES P BROWN
ANN E LUNA (DEC)...
BARRY ESKIN (PET)...PRO/PER
STEPHEN CHRISTOPHER LUNA (OBJ)...CHARLES D RICHMOND ESQ
ALMA CARPENTER (CHARLES P BROWN)...CHARLES P
CHARLES P BROWN ESQ ()...

GENERAL INFORMATION:

Continued from 9/26/07 Counsel states that an agreement has been reached and working on a stipulation agreement.

Continued from 11/14/07 to meet hearing on second accounting.

Continued from 12/12/07. Objections to second account/petition for surcharge to be filed and parties to attend mediation. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 1st Account Current and Status of Administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 4/3/05 – 8/13/07
2. Letters of Administration issued 4/26/06
3. Petitioner alleges the estate is not in a position to close due to pending litigation.
4. On disbursements on 2/3/06 there is a "cash donation" to Fran Roman of \$120. Who is Fran Roman and why was a cash donation given? File verified supplement.

5. Also before the court are “Objections to Inventory and Appraisal” (see other page this date). Court may not wish to grant this petition if starting balances are inaccurate. Will need to resolve I&A issue first.

RECOMMENDATION

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002955

CASE NAME: MTR OF MARY S CARDWELL TRUST

HEARING:

Hearing Re: Motion to be relieved as counsel.

COUNSEL:

JUDY ANN HILL	(PET)...	FULLERTON LEMANN SCHAEFFER & D
MARY S CARDWELL	(DEC)...	
SYDNEY MARIE COX	(MIN)...	
EMILY LEONA COX	(MIN)...	DONNASUE SMITH-ORTIZ
SUSAN O'LEARY	(PET)...	THOMAS W DOMINICK
BOBBY DEE COX JR	(RES)...	ZUMBRUNN LAW CORPORATION

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Motion to be relieved as counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Counsel for Bobby Cox seeks to be relieved as counsel on the basis that client has become uncooperative and fails to communicate.
2. Proof of service filed.
3. No opposition filed as of date of review.

RECOMMENDATION

RFA. No future dates need be set.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002984

CASE NAME: ESTATE OF INEZ RHOADES MULLIGAN

HEARING:
Accounting Review

COUNSEL:
DENNIS B HILLS (PET)...ZUMBRUNN LAW CORPORATION
INEZ RHOADES MULLIGAN (DEC)...
CONNIE FUSON (OBJ)...PRO/PER
SHIRLEY STRICKLIN (PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 2/13/08 at request of counsel to file accounting. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Probate petition granted on 5/12/06. On 8/8/07 court approved the 1st status report of administration.
2. No accounting or status report filed.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. There is no bonding company to notice (kra/abs).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS003256

CASE NAME: ESTATE OF JIMMIE RICHARD CRACRAFT SR

HEARING:
Accounting Review

COUNSEL:
PATRICIA CRACRAFT (PET)...SHIELDS, HANNA & HAYTON
JIMMIE RICHARD CRACRAFT SR (DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 3/9/07 (full authority, no bond)

Continued from 2/6/08 on basis letters had not been issued for a year (milestone now reached).

THIS CASE IS SET FOR HEARING ON Accounting and/or status report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need accounting or status report.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(vet/gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS01713

CASE NAME: ESTATE OF PATRICK J MCCARTHY

HEARING:

Hearing Re: FILING OF RECPTS AND FINAL DISCHARGE.

COUNSEL:

PATRICK J MCCARTHY JR (PET)...MARSHALL GUMBINER
PATRICK J MCARTHY (DEC)...

GENERAL INFORMATION:

Continued from 8/8/07, 9/19/07 and 11/7/07 at request of counsel to file receipts and final discharge. Nothing new filed. On 11/7/07, court advises counsel that this would be the last continuance.

Continued from 1/09/08 because Attorney Marshall Gumbiner is in the hospital. Nothing new filed.

Continued from 3/5/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Order for final distribution granted 6/22/06.
2. No receipts or order for final discharge filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr. C. § 8505.

Gls/kms/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS01853

CASE NAME: ESTATE OF HAZEL BARNUM

SEE ALSO 27A

HEARING:
Petition for TO AMEND ORDER SETTling FINAL ACCOUNT AND REPORT
AND JUDGMENT OF FINAL DISTRIBUTION NUNC PRO TUNC

	COUNSEL:
ELOISE SCOTT	(PET)...THE HEGNER LAW FIRM
HAZEL BARNUM	(DEC)...

GENERAL INFORMATION:
Order for Final Distribution granted 12/5/07

THIS CASE IS SET FOR HEARING ON Petition to Amend Order Settling Final Account
and Report and Judgment for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that through Scrivner's error that the preliminary distribution was set forth rather than the assets remaining for final distribution. Need clarification as to what assets remain on hand.

RECOMMENDATION:
Need to clear note.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS01853

CASE NAME: ESTATE OF HAZEL BARNUM

SEE ALSO 27

HEARING:
Hearing Re: FILING OF RECEIPTS AND FINAL DISCHARGE

ELOISE SCOTT	COUNSEL:
HAZEL BARNUM	(PET)...THE HEGNER LAW FIRM
	(DEC)...

GENERAL INFORMATION

Continued from 10/31/07 at request of counsel.

Continued from 12/5/07 and 1/30/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Receipts filed. Need petition for discharge.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

CONSERVATORSHIP

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0600050

CASE NAME: ESTATE OF ROBERT C MERRILL

SEE ALSO 29 & COMPANION FILE CONPS0600051 E1 PAGES 30 & 31

HEARING:

Petition for SUBSTITUTED JUDGEMENT TO AMEND TRUST

COUNSEL:

RICHARD G REINACKER JR (PET)...J. DAVID HORSPOOL
ROBERT C MERRILL (DEC)...RICHARD G ANDERSON

COMPANION FILE= CONPS0600050

GENERAL INFORMATION:

Continued from 11/21/07.

Continued from 1/16/08.

Motion for substitution of counsel granted 2/13/08. Atty Sandra Turner relieved as counsel for conservatee and atty Richard Anderson was appointed.

Scheduled 4/9/08 hearing as continued to 5/14/08.

THIS CASE IS SET FOR HEARING ON Petition for Substituted Judgment to Amend Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner is the conservator of the person and estate. Prior to the conservatorship, conservatee and his spouse established the Robert C. Merrill and Virginia H. Merrill 1992 Living Trust. On 1/18/07, the court appointed petitioner as interim successor trustee. At the time the Trust was created, petitioner alleges that petitioner was named as successor trustee. However, by the First Amendment to the Trust, the order of succession of trustees was changed from petitioner to Wells Fargo Bank, as first, and then Bank of America (a copy of the Trust will be made available for an *in camera* review by the court at the hearing on this petition). Petitioner alleges it would be in the best interests of both conservatees and their estates if the

court exercise its substituted judgment and authorize petitioner to amend the trust to designate Petitioner as successor trustee.

2. The court ordered bond increased to \$800,000 (an increase of \$155,000) on 10/17/07. Need additional bond.
3. Need copy of 1992 Trust and First Amendment .

RECOMMENDATION:

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0600050

CASE NAME: ESTATE OF ROBERT C MERRILL

SEE ALSO 28 & COMPANION FILE CONPS0600051 E1 PAGES 30 & 31

HEARING:
Accounting Review

COUNSEL:
RICHARD G REINACKER JR (PET)...J. DAVID HORSPOOL
ROBERT C MERRILL (DEC)...RICHARD G ANDERSON

COMPANION FILE= CONPS0600051

GENERAL INFORMATION:

Letters of Conservatorship issued 1/25/07 (bond of \$645,000)

First Accounting due for the period 1/25/07 – 1/24/08

Continued from 2/13/08.

Continued from 4/3/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.

(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0600051

CASE NAME: ESTATE OF VIRGINIA H MERRILL

SEE ALSO 31 & COMPANION FILE CONPS0600051 E1 PAGES 28 & 29

HEARING:
Petition for SUBSTITUTED JUDGEMENT TO AMEND TRUST

COUNSEL:
RICHARD G REINACKER (CPE)...J. DAVID HORSPOOL
VIRGINIA H MERRILL (CEP)...

Court Investigator biennial review report filed.

See page 28. COMPANION FILE= CONPS0600050

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0600051

CASE NAME: ESTATE OF VIRGINIA H MERRILL

SEE ALSO 30 & COMPANION FILE CONPS0600051 E1 PAGES 28 & 29

HEARING:
Accounting Review

COUNSEL:

RICHARD G REINACKER (CPE)...J. DAVID HORSPOOL
VIRGINIA H MERRILL (CEP)...

COMPANION FILE= CONPS0600050

GENERAL INFORMATION:

Letters of Conservatorship issued 4/19/07

First Accounting is due for the period 4/19/07 – 4/18/08

Continued from 4/3/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed. However, accounting may be premature as it would not have an ending period until 4/18/08. It may be that the accounting is being prepared under conservatee's husband's conservatorship (prior matter 27) in case No. CONPS0600050. **Matter continued, now past due date. JTD.**
2. **Court Investigator biennial review report filed.**

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.
(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0600069

CASE NAME: ESTATE OF VIRGIE MAE ROLLAND-THOMPSON

HEARING:
Petition for Conservatorship

COUNSEL:
VANESSA ROLLAND (CPE)...
VIRGIE MAE ROLLAND-THOMPSON (CEP)...SHERRI L KASTILAHN
CHRISTINE ERICKSON-TAUBE (SC)...
VIRGIE D ROBINSON (PET)...ELDER LAW CENTER, P.C.
VIRGIE D ROBINSON (OBJ)...ELDER LAW CENTER, P.C.

COMPANION FILE=SCSS03130.

GENERAL INFORMATION:

Amended Letters are issued to Christine Erickson-Taube. On 01-14-08, court orders no other parties other than Christine Erikson-Taube to make medical decisions for conservatee.

Continued from 7/9/07. Vanessa Rolland withdraws petition.

Continued from 8/13/07 to be heard with competing petition by Robinson

Continued from 9/24/07. Temporary Letters to continue in full force. Court set Status hearing for 12/13/07.

Continued from 12-12-07 and 2/6/08. Parties confer on the record.

Continued from 3/5/08. Oral report given by atty Osborn. Court granted petition by Erickson-Taube to resign as temporary conservator of person (still temporary conservator of estate). Virgie Mae Rolland-Thompson appointed temporary conservator of person. Atty Osborn to file order. Parties to file declarations in support or against appointment of Virgie Robinson as conservator of estate. New Letters and order filed.

THIS CASE IS SET FOR HEARING ON Petition for appointment of conservator, person and estate, by Virgie Robinson (daughter)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

Robinson petition:

1. Petitioner requests bond of \$12,504.00. As a minimum bond is \$20,000, Court may wish to fix bond at \$20,000. JTD
2. Petitioner requests medical powers. Need medical capacity declaration.
3. Court must review the Confidential Screening form (tabbed).
4. Report of counsel is filed.
5. Petitioner files a response to the report of court appointed counsel
6. Need Court Investigator report. Second report requested by court on 7/9/07

RECOMMENDATION:

Need to clear notes and set for contested hearing.

If approved, set hearing for filing of inventory and appraisal, care plan and proof recordation of letters, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for 12/17/08. Note requirements of local rule 20-1404.

Set hearing re Accounting Review for 7/22/09. Any accounting to be filed 30 days in advance.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0600071

CASE NAME: MILDRED M LEDGER

HEARING:

Petition for FOR ORDER DIRECTING TAMMY L FORD TO RETURN PROPERTY
TO THE CONSERVATOR AND FOR DAMAGES

COUNSEL:

RONNIE D SIZEMORE	(PET)...	ROBERTA L. TAYLOR & ASSOCIATES
MILDRED M LEDGER	(PCE)...	
TAMMY LEE FORD	(RES)...	ZUMBRUNN LAW CORPORATION

GENERAL INFORMATION

Continued from 12/12/07 re status of settlement. Court found that service was complete.
Prior notes carried forth below for informational purposes.

**Continued from 2/27/08 at request of counsel. Court informs counsel that first paper
filing fees are due to the court.**

THIS CASE IS SET FOR HEARING ON Petition to recover conservatee's assets and for
damages (Pr.C. 850)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservator of estate petitions for recovery of funds that respondent (Tammy Ford) allegedly misappropriated from conservatee. Petitioner alleges that respondent was added to conservatee's checking account but contributed no funds and that respondent used over \$128,000 from the account to improve her home, then sold the home for a profit.
2. Petitioner requests recovery, disgorgement, and double damages.
3. **Opposition filed by Tammy Lee Ford.**

RECOMMENDATION

Inquire re settlement. Set for evidentiary hearing.
(abs/kra)

FUTURE HEARING DATES:

7/09/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0600079

CASE NAME: STEVEN WESTERFIELD HOLMAN

HEARING:
Accounting Review

COUNSEL:
WESLEY G HOLMAN (PET)...PRO/PER
ALMA D LUJAN (PET)...PRO/PER
STEVEN WESTERFIELD HOLMAN (PCE)...
DAVID W HOLMAN (SC)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Conservator, David Holman, was appointed on 3/7/07, no bond.
2. No accounting filed.

RECOMMENDATION:

Inquire status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(kra)

FUTURE HEARING DATES:

6/25/08 Hearing re: Inventory and appraisal

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700089

CASE NAME: PRESCOTT H JOHNSTON

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DARRELL LEE JOHNSTON (CPE)...HODGE & BARTOUMIAN
PRESCOTT H JOHNSTON (CEP)...JANET M HERRING
PRESCOTT H JOHNSTON (OBJ)...CALDWELL, KENNEDY & PORTER, A.
ANGELA PHIPPS (PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate granted 1/16/08, \$150,000 bond.
2. No I&A filed. Need same.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. § 2614.5.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700223

CASE NAME: MARK VANHOY

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of KELLY HECKLE

COUNSEL:

KELLY HECKLE
MARK VANHOY

(CP)...ROBERTA L. TAYLOR & ASSOCIATES
(CTP)...JANET M HERRING

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Conservatorship compliance review hearing.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person only granted 1/9/08.
2. Declaration re Care Plan filed by conservator.

RECOMMENDATION

None.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700255

CASE NAME: JAMES STEPHAN WILSON

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JESSICA M BROWN (CPE)...PRO/PER
JAMES STEPHAN WILSON (CEP)...JEANNE KENNEDY

GENERAL INFORMATION

Continued from 4/9/08. Conservator not present. Clerk mailed notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON

Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate granted 12/5/07.
2. I&A not filed. Need same.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. § 2614.5.

FUTURE HEARING DATES:

2/11/09 Accounting Review

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700297

CASE NAME: MINA ALICE GLASSBURN

SEE ALSO 39

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MARLENA COLLINS (CPE)...RIPLEY & ASSOCIATES
MINA ALICE GLASSBURN (CEP)...JANET M HERRING

GENERAL INFORMATION: Temporary orders granted on 12/27/07
Continued from 1/23/08 to clear notes and for Alan Glassburn to retain counsel.
Continued from 2/27/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be waived as petitioner alleges estate meets the requirements of Pr.C. §2628. However, estimated personal property is \$60,000 which is more than the maximum allowed. Thus, court may wish to fix bond at \$66,000 (\$60,000 in personal property plus 10% bond recovery fee calculated in accord with CRC 7.207). JTD
2. Petitioner requests dementia powers. Medical Capacity declaration is filed supporting request. However, need the dementia attachment to the Medical Capacity Declaration addressing placement and medications. Please file same.
3. Report of counsel filed 12/20/07, supplemental report filed 2/27/08 (attorney Janet Herring).
4. Court Investigator's report is filed with no adverse findings. Court may wish to review CI's comments re communication with proposed conservatee's husband (tabbed).

5. Proposed conservatee will attend the hearing. Supplemental report of appointed counsel notes proposed conservatee's poor health and advises against requiring attendance. Return of citation filed. JTD.
6. Petitioner requests 2590 powers, including the power to employ attorneys, accountants, investment counsel, agents, depositaries and employees and to pay the expenses. This power has been modified and deleted as one of the powers under 2591 as of 1/1/08. Court may wish to deny this request.
7. Citation was personally served on 1/11/08.
8. A Petition for Exclusive Authority to Give Consent for Medical Treatment is also before the court (see next page)

RECOMMENDATION:

Need to clear notes.

kms/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700297

CASE NAME: MINA ALICE GLASSBURN

SEE ALSO 38

HEARING:
Petition for Authority to Consent to Medical Treatment.

COUNSEL:
MARLENA COLLINS (CPE)...RIPLEY & ASSOCIATES
MINA ALICE GLASSBURN (CEP)...JANET M HERRING

GENERAL INFORMATION:
Continued from 1/23/08 at request of counsel. Nothing new filed.
Continued from 2/27/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for Authority to Consent to Medical Treatment

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. See prior page re conservatorship petition.
2. Petitioner requests medical powers. Medical Capacity declaration is filed supporting request.

RECOMMENDATION:
Court's discretion

/kms/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00378

CASE NAME: MATTER OF STEVEN BROWN

HEARING:
Accounting Review

COUNSEL:
CLAUDE BROWN (PET)...ELROY GIDDENS
CARIE LYNN CLARK (CPE)...ELROY GIDDENS
GERALDINE DENISE DIAMOND (CPE)...ELROY GIDDENS
STEVEN EUGENE BROWN (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ex parte petition top dispense with conservatorship accounting for period 8/13/04 to 3/17/06 was granted 10/4/06.
2. Need next accounting or petition to dispense with same.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00521

CASE NAME: MATTER OF NORMA JEAN SHAW
SEE ALSO 42

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

RODNEY DEAN REAY (CPE)...PRO/PER
NORMA JEAN SHAW (CEP)...
GEORGE SHAW (OBJ)...DAVID & TURNER

GENERAL INFORMATION:

Continued from 8/29/07 Attorney Kennedy states that all property is community property.
Court orders George Shaw to file an I&A.

Continued from 10-24-07 on court's motion for filing of corrected I & A.

Continued from 3/19/08 for Edward Jones account to be appraised by Probate Referee.

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Declaration filed by George Shaw alleging he filed the inventory and that he is no longer represented by counsel. Mr. Shaw indicates the conservator of the person has charged amounts on conservatee's personal credit card and Mr. Shaw requests the court's instruction re credit card claim. As to credit card, this is an improper petition to request instruction. Also, previously filed inventory is defective (see note 2).
2. **Corrected Inventory and Appraisal filed, does not include vehicle and personal effects listed on attachment 1 of original I&A which must be listed on attachment 2 and appraised by the probate referee. Also, Edward Jones account is not listed on Corrected I&A and question whether it is a cash deposit as defined in Pr.C. §8901. If it is not, then this account must also be appraised by the probate referee. Need a Corrected Inventory & Appraisal.**

RECOMMENDATION: Need Corrected Inventory filed. When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505. (/vet/abs/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00521

CASE NAME: MATTER OF NORMA JEAN SHAW

SEE ALSO 41

HEARING:
Accounting Review

COUNSEL:
RODNEY DEAN REAY (CPE)...PRO/PER
NORMA JEAN SHAW (CEP)...
GEORGE SHAW (OBJ)...DAVID & TURNER

GENERAL INFORMATION:

Letters of temporary conservatorship issued 05/18/06.

Letters of conservatorship issued 10-24-07 (estate only, no bond).

Continued from 3/19/08.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Waiver of account and proof of service filed. Spouse/conservator of estate states that all assets are community property and that as long as all assets are distributed to him, no accounting is required. There is no statement in the file that conservatee is deceased. Petitioner cited Pr.C. 10954 which applies to waivers of accountings in estate cases. Is conservatee deceased? If not then will need waiver for period certain and new accounting date. If so then need to set hearing re receipts and final distribution.

RECOMMENDATION:

Need to clear note.

(vet/abs/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00541

CASE NAME: MATTER OF RICHARD SCHLEGEL

HEARING:

FIRST AND FINAL Account and Report of SUSAN L BEACH and Petition
for allowance of fees filed.

COUNSEL:

SUSAN L BEACH (PET)...ZUMBRUNN LAW CORPORATION
RICHARD SCHLEGEL (CPE)...

GENERAL INFORMATION:

Continued from 01-16-08 on court's own motion.

Continued from 2/13/08 at request of counsel to clear notes.

THIS CASE IS SET FOR HEARING ON FIRST AND FINAL Account and Report of
SUSAN L BEACH and Petition for allowance of fees filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Accounting covers period from 08-23-05 to 07-27-07.
- 2 Petitioner asserts that conservatorship is longer necessary as conservatee now
lives in the State of Washington, with conservator, by court's approval on
10/13/06.
- 3 Washington conservatorship established 7/27/07 (case number 07 4 00412 3).
- 4 Attorney requests fees of \$4,220.00. Billed at \$300/hour for a total of 14.0
hours. Itemized. Court to determine whether hourly rate is reasonable.

RECOMMENDATIONS:

If approved, court to set hearing on filing receipts and final discharge for **5/20/09**.

(vet/abs/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00547

CASE NAME: MATTER OF CLARA MAE SMITH

HEARING:

FIRST CURRENT Account and Report of CYNTHIA S REUTER and
Petition for allowance of fees filed.

COUNSEL:

CYNTHIA S REUTER	(PET)...	JANET M HERRING
CLARA MAE SMITH	(CPE)...	SHERRI L KASTILAHN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate granted 1/17/07, \$20,000 bond (later increased to \$50,000). Letters issued 1/26/07.
2. Accounting period 1/17/07 to 12/19/07 (11 months).
3. Summary of Account is not on the mandatory Judicial Council form (GC-400/405). Also, schedules must be on the forms or in substantially the same format. Does court wish to require or direct petitioner to use such form for future accountings? JTD
4. PPF conservator requests \$1,698.11 compensation. Itemized, billed at \$20-\$65/hr depending upon nature of task. JTD.
5. Atty requests \$3,199.50 fees. Itemized, based upon 21.33 hrs at \$150/hr. JTD.
6. Petitioner is silent re bond. Appears current \$50,000 bond will be sufficient after payment of requested fees.
7. Ending bank statement balance for main WaMu account does not match ending statement balance in accounting. Balance is off by \$1,076 which is the amount of conservatee's Social Security benefit. However, that month's payment is reflected in the statement. Need verified supplement.

8. Petitioner is a PPF. Need bank statements and care facility bills for entire period of account per amended Pr.C. 2620(c).
9. Need notice of hearing and proof of service.

RECOMMENDATION

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/14/08 TIME: 10:30 DEPT: E1

CASE #: VC VS255

CASE NAME: IN THE MATTER OF DANIELLE KAY LUCIA

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of LUCIA

COUNSEL:

DANIELLE KAY LUCIA	(CEP)...SANDRA L TURNER
LOUIS E LUCIA	(CPE)...PRO/PER
DEBORAH J LUCIA	(SC)...JANET M HERRING
PATRICIA A FREITAS	(SC)...JANET M HERRING

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Conservatorship compliance review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Co-conservators of person appointed 1/16/08.
2. Care plan filed for court's review.

RECOMMENDATION

None.

/abs

FUTURE HEARING DATES:

3/29/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600108

CASE NAME: FRANK ORRIN DUBOIS

SEE ALSO 1A

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

RICHARD D DUBOIS (PET)...GUAY P WILSON
FRANK ORRIN DUBOIS (DEC)...
LILLIAN JUSTICE (PET)...PRO/PER
LILLIAN JUSTICE (PET)...PRO/PER

GENERAL INFORMATION:

Letters Testamentary issued 5/17/07 (full authority, \$300,000 bond)

Continued from 8/9/07 and 11/8/07. Counsel was substituted in on 11/8/07.

Continued from 1/24/08 at request of counsel. Nothing new filed.

Continued from 03/17/08 at request of counsel. Counsel had recently been substituted in as Counsel and needed more time. Nothing new filed.

Continued from 4/2/08. No appearance. Clerk mailed notice to counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No inventory is filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505. Clerk to notice bonding company.

(/gls/kra/cbr/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600108

CASE NAME: FRANK ORRIN DUBOIS

SEE ALSO 1

HEARING:
Accounting Review

COUNSEL:

RICHARD D DUBOIS (PET)...GUAY P WILSON
FRANK ORRIN DUBOIS (DEC)...
LILLIAN JUSTICE (PET)...PRO/PER
LILLIAN JUSTICE (PET)...PRO/PER

GENERAL INFORMATION

Continued from 4/10/08 to trail I&A hearing. Nothing new filed.

THIS CASE IS SET FOR HEARING ON
Accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 2/2/07, \$300,000 bond.
2. No accounting or status report filed. Need same.
3. No I&A filed. I&A hearing previously continued to 5/14/08.
4. Court to notice bonding company.

RECOMMENDATION

Court to notice bonding company. Trail matter to 5/14/08 to meet I&A hearing.
(abs/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: BPRBS00759

CASE NAME: ESTATE OF JOSEPH L HAYS

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOSEPH LOVELAND HAYS (DEC)...
CHRISTINE BUCKLEY (SA)...DAN FOLEY
PUBLIC ADMINISTRATOR (SA)...HORSPOOL & PARKER

GENERAL INFORMATION

Matter set for Friday 5/9/08. Court re-set matter. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. PA appointed administrator on 10/24/07, no bond.
2. No inventory filed. Need final I&A.

RECOMMENDATION:

Inquire status. When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505.
(kra).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600128

CASE NAME: ESTATE OF ISABELLE M. WARD

HEARING:

Petition for FOR FINAL DISTRIBUTION WITHOUT RENDERING ACCOUNT
AND FOR PAYMENT OF ATTORNEY'S FEE ETC

COUNSEL:

BEVERLY J PATRICK	(PET)...	GUAY P WILSON
ISABELLE M WARD	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and
Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. All beneficiaries waive an accounting.
2. Graduated filing fee schedule filed showing a corrected filing fee of \$110 is due.
However, no further filing fee is due.
3. Statutory fees are \$26,100. However, counsel requests a lesser fee of
\$12,000.00. Petitioner waives compensation.

RECOMMENDATION:

RFA. If approved, court to set hearing re filing receipts and final discharge for **6/8/09**.
(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600318

CASE NAME: FREDERICK J PAISSON III

HEARING:
Accounting Review

COUNSEL:
ROBERT HW HAINES (PET)...DAVID A ESQUIBIAS
FREDERICK J PAISSON III (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 3/7/07, no bond.
2. Need accounting or status report.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700190

CASE NAME: DOROTHY M REISS

VACATED- FINAL I&A FILED.

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
KRISTINE GHERARDI (PET)...JEFFREY T SCHOENHERR
DOROTHY M REISS (DEC)...

FUTURE HEARING DATES:
9/17/08 Accounting Review

Superior Court of Calif, County of San Bernardino

Page: 5

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700542

COMPANION CASE=SCSS01939

CASE NAME: ROSE L SCOTT

HEARING:

FIRST AND FINAL Account and Report of BARBARA J DAVIS and Petition for fees

COUNSEL:

BARBARA J DAVIS (PET)...PRO/PER
ROSE L SCOTT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First and final account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 7/16/07.
2. Did petitioner make a diligent search for creditors? Need verified supplement.
3. Did decedent have a predeceased spouse who received Medi-Cal benefits?
Need verified supplement.
4. Accounting does not balance (off by \$32.95). However, it appears that the amount is de minimus. JTD.
5. Petitioner waives compensation. There is no atty for fees.
6. Petitioner requests \$25 reserve for closing expenses. Question whether such a small amount is worth creating a reserve and making later final distributions and receipts. JTD.
7. Petitioner lists several disbursements totaling \$1,200 for document preparation. Legal fees in an estate case should not be paid prior to court approval. JTD.
8. Need notice of hearing and proof of service.

RECOMMENDATION

Require notice.

/abs/kra

FUTURE HEARING DATES: 5/19/08 Hearing re: Inventory and appraisal

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700806

CASE NAME: MARY ELLEN MILLER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DAVID MILLER (PET)...DAVID J WORKMAN

MARY ELLEN MILLER (DEC)...

GENERAL INFORMATION:

Continued from 4/16/08. No appearance. Clerk mailed notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON

Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 10/3/07, \$20,000 bond.
2. Final I&A filed. Need bank/investment statement per Local Rule 20-908.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

(/kra)

FUTURE HEARING DATES:

12/10/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700964

CASE NAME: THE FAMILY TRUST OF WILLIE E & SHIRLEY ANN NEAL

HEARING:

Petition for FOR ORDER CONFIRMING SUCCESSOR TRUSTEE AND TRUST
ASSETS (PROBATE CODE SECTION 850(A)(3))

COUNSEL:

SHIRLEY ANN NEAL (PET)...JOSEPH J PARK

GENERAL INFORMATION:

Continued from 11/21/07 at request of counsel to clear notes. Nothing new filed.

Continued from 01/02/08 at request of counsel to clear notes.

**Continued from 4/9/08. Copy of Quit Claim Deed received by the Court. Continued
for filing additional P&As as may be necessary.**

THIS CASE IS SET FOR HEARING ON

Petition for order confirming trust and trust assets (Pr.C. 850 and Heggstad).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Husband and wife settlor created a family trust in 2001. Husband settlor died in 2007. Wife settlor is named sole successor trustee.
2. Petitioner seeks confirmation of trust and order that residence real property is a trust asset. Petitioner proceeds per Pr.C. 850 (and apparently Estate of Heggstad (1993) 16 Cal.App.4th 943 though not cited).
3. The real property was listed on Attachment A to trust and was originally deeded into the trust. However, on 1/9/06 the property was deeded out of the trust and into the settlors' names as husband and wife joint tenants, and on 1/11/06 the wife settlor/petitioner signed a quit claim deed transferring the property to the husband settlor individually.
4. Petitioner argues that the property was deeded out of the trust to obtain a loan on the property, that they did not receive legal advice, that settlors believed that

it was trust property, and that husband settlor left a pour-over will leaving all property to the trust.

5. Does not appear that petition is supported by the facts as presented. The property was intentionally deeded out of the trust well after the formation of the trust and attached schedule and therefore the schedule does not provide evidence that the real property was intended to be a trust asset (the Schedule A attachment provides no evidence of the settlors' intent because other specific actions were taken years later re the property). **Amended petition filed. Petitioner alleges the property was deeded out of the name of the trust solely for the purpose of obtaining a reverse mortgage. The settlors failed to seek legal advice as well as failed to deed the property back into the trust. Petitioner alleges settlors, both believed, that the real property was a trust asset and request the real property be deemed a trust asset.**
6. Waivers of notice are filed by trust beneficiaries.
7. No objections are filed at the time of the review of the file.

RECOMMENDATION

Court's discretion.

(vet/ABS/gls/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800258

CASE NAME: ELISA WALTZ

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

	COUNSEL:
LETITIA YOUNG	(PET)...DAVID & TURNER
DANIEL DONOHUE	(PET)...DAVID & TURNER
ELISA WALTZ	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Multiple heirs reside in Germany. Need notice of hearing and proof of service for diplomatic or consular office per Pr.C. 8113.
3. Petitioner requests bond "to be determined." Suggest \$456,000 bond based upon \$455,140 estimated estate value. JTD.

RECOMMENDATION

RFA subject to notes 1 and 2, \$456,000 bond. If approved, set hearing re Inventory & Appraisal for 12/17/08. Set accounting/status review for 7/22/09. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

/abs

Superior Court of Calif, County of San Bernardino

Page: 7

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800312

CASE NAME: DELIA M. SANABRIA TRUST

HEARING:

Petition for OPRDER CONFIRMING SUCCESSOR TRUSTEE & TRUST ASSETS

COUNSEL:

EDUARDO JOSE SANABRIA (STE)...STEVEN G MCKEE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for order confirming successor trustee and trust assets per Pr.C. 850(a)(3)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Trustor created a separate property trust in 2003 and deeded the subject real property into it the same day. Decedent also executed a pour-over will. In 2005, trustor deeded the property out of the trust, allegedly for purposes of a refinance, and the property was never deeded back into the trust. Trustor died in 2006.
2. Petitioner is trustor/decedent's son and the successor trustee named in the trust instrument.
3. Petitioner requests confirmation as successor trustee and an order confirming that the subject real property is an estate asset. Petitioner notes that the subject real property was listed on Schedule A attached to the trust (tabbed in file). Petitioner appears to be proceeding pursuant to Estate of Heggstad (1993) 16 Cal.App.4th 943 though it is not cited. However, the difference here is that the property was deeded out of the trust well after the trust was created and funded (raising the question of whether decedent for the subject real property to remain a trust asset – Schedule A becomes much less indicative). On the other hand, if the real property is not a trust asset then it will pass to the trust anyway via the pour-over will. JTD.

RECOMMENDATION

Court's discretion.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800316

CASE NAME: JOHN HALLOCK LIVING TRUST

HEARING:

Petition for ORDER CONFIRMING SUCCESSOR TRUSTEE AND TRUST ASSETS

COUNSEL:

CHRISTINE ANNE CLARE (PET)...DEBRA S POPINEAU

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for order confirming successor trustee and trust assets per Pr.C. 850(a)(3)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Trustor created a living trust in 2007 and died in 2008.
2. Petitioner is the successor trustee named in the trust instrument.
3. Petitioner requests confirmation as successor trustee and an order confirming that the subject real property is an estate asset. Petitioner notes that the subject real property was listed on Annex A attached to the trust (tabbed in file) but that trustor/decedent never deeded the property into the trust. Petitioner appears to be proceeding pursuant to Estate of Heggstad (1993) 16 Cal.App.4th 943 though it is not cited. JTD.

RECOMMENDATION

Court's discretion.

/abs/kra

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800324
CASE NAME: IRFAN ALI KHAN

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

	COUNSEL:
OMAR KHAN	(PET)...GILBERT M GUTIERREZ
IRFAN ALI KHAN	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Heir resides in Pakistan. Need notice of hearing and proof of service for diplomatic or consular office per Pr.C. 8113.
2. Sole heir waive bond. However, petitioner (heir's nominee) resides in NV. This court typically requires bond of non-resident representatives. It is also not clear that the mother is the sole heir (see below). Does court wish to require minimum bond (\$20,000) or full bond (\$446,000)? JTD.
3. Petitioner alleges that spouse killed decedent then committed suicide within an hour, and therefore that spouse's estate is not an heir per Pr.C. 250 (disinheriting person who feloniously and intentionally takes a decedent's life). Has the spouse been determined to be guilty of the murder? Typically the facts must be judicially determined in a criminal law setting before it will be determinative in a probate case. Or does petitioner rely upon Pr.C. 6403 whereby an heir's failure to survive a decedent by 120 hours indicates that the heir shall be deemed to be predeceased? If spouse's estate is an heir then notice and bond waiver requirements (and nomination of petition) would be different. For now the issue need not be finally determined for purposes of heirship but heirs must be determined now for purposes of determining the heirs re notice, bond waiver, and nominations. Need verified supplement and/or P&As.

RECOMMENDATION

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800332

CASE NAME: MTR OF KIRK DION MOORE

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ALVY P MOORE (PET)...LISA MACCARLEY
KIRK DION MOORE (DEC)...

GENERAL INFORMATION

Special administration granted 4/10/08.

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner is sole heir, waives bond.
3. Petitioner did not list relationship at section 9 of petition as required. However, at section 3f(2)(c) of petition, petitioner states she is a "parent." Does court wish to require verified supplement?

RECOMMENDATION

RFA subject to notes 1 and 3, no bond. If approved, set hearing re Inventory & Appraisal for 12/17/08. Set accounting/status review for 7/22/09. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02886

CASE NAME: ** MF ** VALLIE C WADSWORTH

HEARING:
FIRST AND FINAL Account and Report of CARNEALEUS G ARRETT and Petition for fees

COUNSEL:

CARNEALEUS GARRETT (PET)...CURTIS R AIJALA
VALLIE C WADSWORTH (DEC)...
BRENDA TEPICH (PET)...ROBBINS & HOLDAWAY
DEPT. OF HEALTH SRVCS. ESTATE (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the prior administrator and this accounting covers 3/30/06 – 11/17/07.
2. Petitioner states that he mistakenly believed he was the sole heir and he transferred the real property (the sole estate asset) to himself. Appears petitioner is a one-third heir. Petitioner alleges he signed a grant deed transferring the property back to the estate and sent the deed to the County Recorder. Need certified copy of same. **Otherwise, suggest court set OSC re return of estate property forthwith.** Supp: copy of deed attached. However, the deed dated 11/6/06 shows the property transferred to Carnealeus Garrett as a single man and not back to the estate. **Need copy of deed showing transfer of title back to the estate.**
3. Petitioner requests that if the representative of decedent's deceased daughter (a one-third heir) does not claim the share, that the shares of 1/9th each to be distributed to grandchildren William Thomas and Darrel Thomas be distributed to the estate of grandchild Cindy Thomas. This proposed distribution does not make sense and is not supported. Has the estate of Cindy Thomas been probated? Also, why would the shares of the two grandchildren be redistributed

to the third grandchild? Are the grandchildren heirs' locations known and could the shares be distributed directly per declaration? Need verified supplement.

Supp: the proposed distribution was based on the fact that Cindy Thomas is deceased and Cindy's heirs are unknown. Petitioner now proposes distribution of the Cindy Thomas 1/3rd share distributed to the beneficiaries of Mary Thomas (mother of Cindy Thomas) as provided by the current administrator. Question the authority to distribute to the heirs of Mary Thomas rather than the estate of Cindy Thomas or request that the share be deposited with the County Treasurer in trust for the heirs of Cindy Thomas per Pr.C.§11850. Also, if a probate proceeding has begun as to Mary Thomas, why not distribute to the estate of Mary Thomas rather than directly to the heirs of Mary Thomas. Need verified supplement.

RECOMMENDATION

Need to clear notes. Set OSC re return of estate property forthwith unless petitioner establishes that the property has been returned. If approved, court to set hearing re filing receipts and final discharge for **5/20/09**.

As a successor administrator was appointed on 11/13/07, Court to set an accounting review and report by Brenda Tepich for **1/20/09**.

/abs/kra

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02894

CASE NAME: FUCTUOSO MELENDEZ PRIETO

HEARING:

Petition for AMENDMENT TO PETITION FOR ORDER AUTHORIZING THE
ATTORNEY-IN-FACT TO ESTABLISH ETC

COUNSEL:

JESSE PRIETO (PET)...BROCK LAW OFFICE
FRUCTUOSO MELENDEZ PRIETO (DEC)...
LETICIA PRIETO (OBJ)...JOHN M RAGER

COMPANION FILE= RPRRS02895.

GENERAL INFORMATION

This petition was on calendar for multiple dates in June and July 2007. The matter was taken off calendar by petitioner. On 4/2/08 this court granted petitioner's request to re-calendar the petition. The matter was set for 5/14/08 and counsel was ordered to file an amended petition that incorporates all of the prior documents to aid in the review of the petition. The amended petition was filed.

THIS CASE IS SET FOR HEARING ON

Petition by attorney-in-fact of beneficiary to establish special needs trust on behalf of the beneficiary.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 6/6/06.
2. Petitioner is attorney-in-fact and brother of beneficiary Mary Escobar (a copy of the power of attorney is attached to this petition). The power of attorney specifically grants the power to establish a special needs trust.
3. Petitioner requests authority to create a special needs trust for beneficiary. He asserts that beneficiary is a qualified disabled person who receives SSI and Medi-Cal benefits and that receipt of the distribution in this estate case would cause her to lose her eligibility for those benefits. Petitioner asserts that the

beneficiary qualifies because she is a qualified disabled person, is under 65 years old, etc.

4. **Petitioner brings this petition per Pr.C. 4541 which applies to SNTs created pursuant to a power of attorney. That code section does not specifically apply the requirements of Pr.C. 3600-3613 and CRC Rule 7.903 to a SNT created via power of attorney. In the amended petition, petitioner argues that many of the prior probate notes on the original petition should not apply because this is a Pr.C. 4541 and the additional requirements do not apply. However, some courts apply the additional requirements of Pr.C. 3600 et seq. and CRC Rule 7.903 to these SNTs created pursuant to Pr.C. 4541. See, e.g., California Trust and Estates Quarterly, Vol. 12, Issue 3, Fall 2006, at p. 16 (copy attached to Amended Petition - see yellow tab in file) which states in relevant part that "... it is a good idea to follow the requirements of Probate Code § 3604 and address the requirements of Rule of Court 7.903, although the argument could be made that the court supervision rules of Rule of Court 7.903 to not apply. Courts in some jurisdictions require ongoing court supervision under Rule of Court 7.903 for trusts established pursuant to Probate Code § 4541, even though the Rule does not mention trusts established under that statute. Some courts have been persuaded by the argument that since the benefits recipient has capacity and is capable to manage his or her own affairs, ongoing court supervision seems unnecessary." See also CEB, Special Needs Trust, Planning, Drafting, and Administration (2008) § 9.26 at p. 454, § 11.47 at pp. 550-51, and § 11.48 at p. 551, reaffirming that some courts have chosen to apply the requirements of Pr.C. 3600 et seq. and CRC Rule 7.903 to Pr.C. 4541 SNTs created pursuant to power of attorney. (Photocopies of CEB treatise sections placed in file.) This court must decide whether it will apply the additional requirements. All of the notes below would apply only if this court decides to apply the requirements. If the requirements are applied then the court would also need to decide whether petitioner's supplement satisfies each requirement.**
5. There is a procedural concern that this special needs trust would be opened in this estate case. Special needs trusts are subject to continuing jurisdiction for ongoing judicial review of the trust administration. (Pr.C. 3604, CRC Rule 7.903.) If this petition is approved, this case would stay open even after the administration of decedent's estate is closed and would be under the estate case name and number. Suggest court require petition to be filed in a separate new case. Notes below are set forth for the court's information on the merits of the petition. **Supp: The requirement for ongoing court review, including review of accountings, does not apply because the Pr.C. 3600 et seq. and CRC Rule 7.903 requirements do not apply (see note above). Also, ongoing judicial review is not necessary because the beneficiary is blind but is mentally, emotionally, and physically competent to handle her own affairs. JTD.**
6. Petitioner makes no allegation regarding the size of the special needs trust (the anticipated distribution), the amounts of the beneficiary's other

assets/income/benefits, the beneficiary's special needs, her life expectancy, and the anticipated costs of the special needs over beneficiary's lifetime. A special needs trust may only be funded up to the amount reasonably necessary to meet the incompetent person's special needs that would not be met without the trust. (Pr.C. 3604(b).) There is no basis for making that calculation. Need verified supplement. **Supp: Trust would be funded with approximately \$145,000. Pr.C. 3604(b) does not apply because this is a Pr.C. 4541 SNT. Also, petitioner believes the amount funded is reasonable. JTD.**

7. The proposed terms of the SNT are set forth at Exhibit 3. Issues:
 - a. Section 4.04 of proposed SNT define Special Needs very broadly to include trips, electronics, payments for companions' expenses, etc. Question whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies. **Supp: Federal Regulations define what is "income" that would disqualify beneficiary for the benefits. The described payments in the SNT do not meet the definition of "income" and therefore are valid. JTD.**
 - b. Section 5.07 of proposed SNT allows for payment of housing including taxes, assessments, utilities, insurance, repairs, etc. Question whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies. **Supp: The above-described federal regulations allows for some payment for housing and would result in a maximum one-third reduction of the Supplemental Security Income but the beneficiary will still receive the majority of the benefits including Medi-Cal. JTD.**
 - c. Section 6.04 of the proposed SNT sets forth a distribution of remaining trust assets upon the death of the beneficiary. Question whether the inclusion of this language acts as a petition for substituted judgment that would improperly determine distribution of the beneficiary's assets. The proposed SNT would also appear to overwrite any valid will in existence for the beneficiary, at least as to trust property. (Note also that under a combined reading of Sections 6.04 and 7 of the proposed SNT, petitioner (brother) could be a beneficiary of the trust upon the beneficiary's death.) **Supp: The beneficiary is competent and therefore is able to establish estate planning – no substituted judgment is necessary. JTD.**
 - d. Section 9.03 of proposed SNT provides for no bond for trustee, even when required by law or rule of court. Question whether the court wants to allow and whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies. .) **Supp: The beneficiary is competent and therefore is able to establish estate planning. This provision will not affect the SNT. The beneficiary agrees with the terms. JTD.**
 - e. Section 9.04 of proposed SNT provides for limited liability of the trustee in many circumstances. Question whether the court wants to allow and whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies. **Supp: The beneficiary is competent and therefore is able to establish estate**

planning. This provision will not affect the SNT. The beneficiary agrees with the terms. JTD.

- f. Section 9.06 of proposed SNT provides the ability for trustee to pay for services without diminishing trustee's fees charged for those same services. Question whether the court wants to allow and whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies. **Supp: The beneficiary is competent and therefore is able to establish estate planning. This provision will not affect the SNT. The beneficiary agrees with the terms. JTD.**
 - g. Section 9.09 of proposed SNT provides for limited liability of the trustee in many circumstances (re accounting). Question whether the court wants to allow and whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies. **Supp: The beneficiary is competent and therefore is able to establish estate planning. This provision will not affect the SNT. The beneficiary agrees with the terms. JTD.**
 - h. Sections 9.17, 9.18, and 9.19 of proposed SNT specifically disavow the duties of third parties to investigate the trustee's authority or for the trustee to verify requests for payment by personal representatives and third parties. Question whether the court wants to allow and whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies. **Supp: The beneficiary is competent and therefore is able to establish estate planning. This provision will not affect the SNT. The beneficiary agrees with the terms. JTD.**
 - i. Section 9.19 of proposed SNT allows for payment of burial expenses and of debts, and may even do so without regard to statutory limitations. Question whether the court wants to allow and whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies. **Supp: The beneficiary is competent and therefore is able to establish estate planning. This provision will not affect the SNT. The beneficiary agrees with the terms. JTD.**
 - j. The entirety of Article 10 of proposed SNT allows for very broad investment powers of trustee. Investment powers are limited to those allowed by Pr.C. 2574 and a SNT typically refers to the trustee's powers by citing the code section. Question whether the court wants to allow and whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies. **Supp: The beneficiary is competent and therefore is able to establish estate planning. This provision will not affect the SNT. The beneficiary agrees with the terms. JTD.**
8. Normally, a petition for creation of an heir/beneficiary's SNT is not proper until a final distribution order has been obtained in the estate case. Does court wish to defer ruling on this petition? **Supp: It would be an unnecessary delay to require a final distribution order before creation of the SNT. SNT funding would not take place until after such an order. JTD.**
9. Need Proposed Order including terms of the Special Needs Trust. **Supp: An Order will be submitted.** Still need same.

RECOMMENDATION

Need court determination re notes 4 and 5, then potentially the court's determination re the remainder of the notes. If the petition is granted and the court has determined that the additional requirements do not apply then no future dates need be set. If the additional requirements do apply then need bond on SNT (suggest \$145,000) and set accounting review on SNT for 7/22/09.

/abs/kra

FUTURE HEARING DATES:

6/18/08 Hearing Re: FIRST AND FINAL ACCOUNT AND REPORT (estate).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS07176

CASE NAME: MTR OF CARMEN T ROJAS

HEARING:

Petition for FINAL DISTRIBUTION ON WAIVER OF ACCOUNT AND FOR
APPROVAL OF STAUTORY ATTORNEY'S FEES

COUNSEL:

DANIEL D SERVIN	(PET)...	SHERRY LEE COLLINS
CARMEN T ROJAS	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of accounting and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 9/22/06.
2. Both beneficiaries waive accounting.
3. Petitioner waives compensation.
4. Atty requests \$10,050 statutory fees. Calculated. Appears ok. To be paid outside estate (estate is not liquid).

RECOMMENDATION

RFA. if approved, set hearing re receipts and final discharge for 5/20/09.

abs/kra

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS01650

CASE NAME: ESTATE OF HENRY L ROMERO

SEE ALSO 13B

HEARING:
Hearing Re: FINAL DISCHARGE.

COUNSEL:
SANDRA WHISENHUNT (PET)...DAVID W BROWN
HENRY L ROMERO (DEC)...

GENERAL INFORMATION

Continued from 2-7-07, 6/6/07, 7/25/07, 8/29/07 and 10/10/07. Court orders petitioner to be present at this hearing unless receipts are filed. Citation issued to Sandra Whisenhunt on 10/10/07.

Continued from 11/7/07 at request of counsel. Court finds citation for Sandra Whisenhunt was served by sub-service in Wyoming. Nothing new filed.

Continued from 1/9/08 to clear notes. Court also set OSC re surcharge and issued citation to Sandra Whisenhunt.

Continued from 2/20/08 to clear notes and for Ms. Whisenhunt to speak to atty Brown to help resolve issues. Sandra Whisenhunt was ordered to appear personally or by court call on 4/9/08.

Continued from 4/9/08. Counsel advised that receipts were sent to Sandra Whisenhunt, receipts to be filed. Amended order re recording received from counsel. Court did not grant counsel's request to be relieved. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need receipts from Mark Romero and Erlinda Northup.
2. Need final discharge order.
3. Motion to be relieved as counsel is also filed and before the court.

4. Note: There was only real property subject to distribution – vacant land in Adelanto. From a review of the assessor's records, it appears that petitioner took ownership title to both parcels of land on or about 7/15/01 (the date of death). One of the parcels was sold on 5/16/07 for \$30,000 to a third party and the remaining parcel (APN: 0458-132-34) is in petitioner's sole name, but should be in the name of petitioner as to 50% interest, Mark Romero and Earlinda Northrup each as to an undivided 25% interest each. Court may wish to inquire whether counsel has recorded the "Amended Order for Final Distribution" which corrected the percentage each beneficiary was to receive. It would appear petitioner would be required to pay to Mark and Earlinda funds to equalize distribution and the Amended Order recorded to correct the vesting title to APN 0458-132-34.
Amended order received per Minute Order.
5. Return of Citation filed (served 2/6/08).

RECOMMENDATION:
None.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS01650

CASE NAME: ESTATE OF HENRY L ROMERO

SEE ALSO 13A

HEARING:
OSC re: SURCHARGE

COUNSEL:
SANDRA WHISENHUNT (PET)...DAVID W BROWN
HENRY L ROMERO (DEC)...

See prior page.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS002962

CASE NAME: ESTATE OF HAROLD E HANDLEY

SEE ALSO 13D

HEARING:
Hearing Re: Receipt and Final Discharge.

COUNSEL:
JENNIFER K HANDLEY (PET)...LUNDBERG & BAXTER LLP
HAROLD E HANDLEY (DEC)...

GENERAL INFORMATION:

Continued from 4/9/08. No appearance. Court sets OSC re Sanctions and orders both counsel and personal representative to appear at the next hearing.

THIS CASE IS SET FOR HEARING ON
Hearing re receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for final distribution was entered 4/5/07.
2. Receipt of distribution filed.
3. Need Ex-parte petition/order for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.
(abs/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS002962

CASE NAME: ESTATE OF HAROLD E HANDLEY

SEE ALSO 13C

HEARING:
OSC re: SANCTIONS

COUNSEL:
JENNIFER K HANDLEY (PET)...LUNDBERG & BAXTER LLP
HAROLD E HANDLEY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON OSC re Sanctions

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter set on court's own motion when notes were not corrected and no one appeared at the time set for hearing re final discharge on 4/9/08.
2. Clerk mailed notice to counsel. Court orders both counsel and personal representative to appear at the next hearing.
3. Receipts are now filed. However, still need final discharge.

RECOMMENDATION:
Court's discretion.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/1408 TIME: 9:00 DEPT: E2

CASE #: VPRVS003222

CASE NAME: ESTATE OF DAROLD C KUCHENBECKER

HEARING:

Petition for FOR SETTLEMENT OF FIRST ACCT OF ESTATE PTN FOR
APPROVAL OF ACCOUNTING

COUNSEL:

ROBIN KUCHENBECKER (PET)...DAVID W BROWN
DAROLD C KUCHENBECKER (DEC)...

GENERAL INFORMATION:

Continued from 4/9/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON

First estate account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 10/25/06.
2. This account is in the nature of a status report. Administrator reports the assets of the estate and states that administration cannot be completed until real property is sold.

RECOMMENDATION

Court's discretion. If approved, set new accounting review for 4/15/09.

(abs/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS003250

CASE NAME: ESTATE OF ARTHUR E QUINTANAR

HEARING:

FIRST Account and Report of PAUL E QUINTANAR and Petition for allowance of fees filed.

COUNSEL:

PAUL E QUINTANAR (PET)...DEBRA S POPINEAU
ARTHUR E QUINTANAR (DEC)...

GENERAL INFORMATION:

Continued from 4/20/08 to allow creditor claim period to lapse.

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner's letters of administration were issued 1/10/08, even though the order appointing petitioner was issued 1/3/07. The time for creditors claim has not yet elapsed (Pr.C. §9100). The estate will not be in a position to close until on or after 5/10/08. Court may wish to continue matter to a date following 5/10/08. Supp: Continued to allow creditor claim period to lapse. Need verified supplement with new allegation re whether any creditor claims have been made or are outstanding. **Supp. list of claims filed and petitioner states that no new claims have been filed.**
2. Petitioner requests statutory compensation of \$3,203.52. Ok.
3. Attorney requests statutory fees of \$3,203.52. Ok.

RECOMMENDATION:

RFA. If approved, set hearing re receipts and final discharge for 5/20/09.

(gls/abs/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

CONSERVATORSHIP

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600002

CASE NAME: MTR OF PATRICIA JOY LEE BROWN

SEE ALSO 16

HEARING:
OSC re: BOND INCREASE

COUNSEL:
CYNTHIA S REUTER (CPE)...JANET M HERRING
PATRICIA JOY LEE BROWN (CEP)...

See next page.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600002

CASE NAME: MTR OF PATRICIA JOY LEE BROWN

SEE ALSO 15

HEARING:

FIRST Account and Report of CYNTHIA S REUTER and Petition for allowance of fees filed.

COUNSEL:

CYNTHIA S REUTER (CPE)...JANET M HERRING
PATRICIA JOY LEE BROWN (CEP)...

GENERAL INFORMATION:

Accounting covers period: 11/1/06 – 1/18/08

Assets on hand: \$42,241.35 (\$393.26 in personal property and the balance in cash)

Continued from 3/26/08. Counsel agreed to bond increase to \$66,000. Court also set OSC re bond increase (prior page).

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$2,074.75. Billed at various rates for various services not exceeding \$65/hours. Itemized. JTD
2. Attorney requests fees of \$2,700.00. Billed at \$150/hour for 18 hours. Itemized. JTD
3. Petitioner requests the bond to be increased to \$40,000 a total increase of \$20,000. However, with the current assets on hand, estimated annual income, bond recovery costs set forth in CRC 7.207, giving credit for fees requested above, bond should be fixed at \$66,000 a total increase of \$46,000. JTD **Supp: Counsel agreed to \$66,000 bond increase. OSC re bond increase set. Increased bond not filed.**

4. Accounting does not include the mandatory Judicial Council form, Summary of Account (GC-405[SUM]).

RECOMMENDATION:

Need to clear notes 3 and 4. Court's discretion re fees. If approved, court to set hearing on next accounting review for 4/7/10.

(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600030

CASE NAME: ELISA WALTZ

HEARING:

FIRST & FINAL Account and Report of LETITIA YOUNG, DANIEL
DONOHUE and Petition for allowance of fees filed.

COUNSEL:

LETITIA YOUNG	(PET)...DAVID & TURNER
DANIEL DONOHUE	(PET)...DAVID & TURNER
CEDAR HOLDINGS, LLC	(PET)...SANDERS, COLLINS & REHASTE LLP
ELISA WALTZ	(CEE)...MAUREEN MURATORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of conservatorship of person and estate granted 6/6/07.
2. Conservatee died 10/5/07.
3. Summary of Account is not on the mandatory Judicial Council form (GC-400/405). Does court wish to require the use of proper forms or direct petitioner to use such form for future accountings? JTD.
4. Petitioners waive compensation.
5. Atty requests \$3,794.78 fees. Itemized. Total requests fees are actually \$5,794.78 because itemization includes credit for \$2,000 fees advanced by petitioner. Based upon 12.75 hrs at \$250/hr. Concern that a totaling of the fees requested (totaling the "Amount" column of the fee itemization at Exhibit B) yields a total \$3,191.50 and net fees of \$1,191.50 after credit of \$2,000 advanced. Need verified supplement explaining discrepancy.
6. Petitioner requests \$2,000 reimbursement for fees advanced.
7. Petitioner requests that all remaining assets be divided among conservatee's heirs. Distribution must be to estate of conservatee and estate must be probated. (Creditors are entitled to claim against the estate, existence of any

- will must be investigated, etc.) Need amendment to petition and new proof of service.
8. Petitioners request discharge. Conservators cannot be discharged until receipts and petition for final discharge are filed.
 9. Petitioner lists only the Initial I&A in the Charges category then treats subsequent I&As as "Bank Accounts" or Receipts. All I&As totaled should be the starting balance of the accounting, then receipts of assets received during the conservatorship are treated separately. (I&A values are assets as they existed at start of conservatorship and receipts are new assets.) Need corrected accounting.
 10. Disbursements raise the following concerns (need verified supplement):
 - a. Payment of \$584.50 for "Legal" on 6/12/07.
 - b. Four unexplained "debits from checking accounts" totaling \$543.25.
 11. Schedule E shows \$10,500 Losses on Sale of real property. Does not appear that real property was sold. On what basis is a loss on sale taken on existing property? Need verified supplement or corrected accounting.
 12. Bank statements raise the following concerns:
 - a. The bank statements list the three names of conservatee and the co-conservators. They are not listed as conservatorship accounts and appear to be joint accounts (would not be proper holding of accounts). Need verified supplement.
 - b. Union Bank statement ending 3268 indicated \$4,841.41 deposit on 12/7/08. There is no basis for this deposit in the accounting schedules and it does not appear to be a transfer between accounts. Need verified supplement.
 - c. Need WaMu bank statement for closing balance.
 13. **Objection filed by Cedar Holdings Inc., of Highland Palms Healthcare Center as the account & report do not list the liabilities which include a debt owed to objector in the amount of \$58,118.60.**

RECOMMENDATION

Nee to clear notes.

/abs/kra

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600080

CASE NAME: JASON MICHAEL NEAS

HEARING:
Accounting Review

COUNSEL:
INLAND COUNTIES REGIONAL CENTE(CE)...BRUNICK MCELHANEY & BECKETT
JASON MICHAEL NEAS (CTE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate granted 3/7/07, no bond.
2. Need accounting.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700146

CASE NAME: MTR OF RAYMOND G JOSEPH

HEARING:

FIRST AND FINAL Account and Report of FAYE W JOSEPH and Petition
for allowance of fees filed.

COUNSEL:

FAYE W JOSEPH (CPE)...CALDWELL, KENNEDY & PORTER, A.
RAYMOND G JOSEPH (CEP)...SHERRI L KASTILAHN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First and final report on waiver of account and petition for termination and fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate granted 8/22/07.
2. Conservatee died 10/27/07.
3. No I&A filed. Petitioner states that all assets were community property with spouse (who is the conservator).
4. Conservator waives compensation.
5. Atty requests \$3,475 fees. Itemized, based upon 23 hrs, atty at \$260/hr and paralegal at \$110/hr. JTD.
6. Petitioner does not make any statement re waiver of accounting. Appears waiver is assumed based upon fact that all conservatorship assets were community property with petitioner/spouse. JTD.
7. No opposition filed as of date of review.

RECOMMENDATION

Court's discretion re lack of I&A, waiver of account, and fees. If approved, no future dates need be set there are no assets to distribute – court could discharge conservator now).

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700170

CASE NAME: ANGELA SARA VIA

SEE ALSO 21

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of CATHERINE SARA VIA

COUNSEL:

CATHERINE SARA VIA (CP)...JANIS L HILKE
ANGELA SARA VIA (CTP)...JANET M HERRING

GENERAL INFORMATION:

Continued from 3/26/08.

THIS CASE IS SET FOR HEARING ON: Court compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Petition for conservatorship of person only granted 11/7/08.
- 2 Petition for medical authority has been continued several times, is now set for this date (see next page).
- 3 Order Appointing Conservator and Letters have not been issued/filed. Appears delay is the pending petition for medical authority.
- 4 Normally would need care plan and proof of recordation of letters per conservatorship compliance review. However, does not appear that issue of appointment of conservator is completed and without order/letters there is no authority or anything to record. Suggest court reset conservatorship compliance review upon ruling on petition for medical powers.

RECOMMENDATION:

Reset upon grating of accompanying petition for medical powers.

(vet/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700170

CASE NAME: ANGELA SARA VIA

SEE ALSO 20

HEARING:

Petition for EXCLUSIVE AUTHORITY TO GIVE CONSENT FOR MEDICAL
TREATMENT

COUNSEL:

CATHERINE SARA VIA (CP)...JANIS L HILKE
ANGELA SARA VIA (CTP)...JANET M HERRING

GENERAL INFORMATION:

Continued from 9/12/07, 11/7/07, 12/12/07, and 01-23-08 at request of counsel.

Continued from 3/26/08 at request of counsel to clear notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for authority to give consent for medical
treatment

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petition for conservatorship of person and estate was granted 11/7/07 subject to the filing of a medical capacity declaration. **Capacity Declaration fax filed. Section 4(a) as to date conservatee was last seen by the declaring doctor and Section 7(b) as to declarant's initials re capacity to give consent are incomplete. Need completed form. Also, court may wish to require original signatures.**
2. Petitioner seeks medical powers. A Medical consent declaration filed. However, use of Judicial Counsel forms is mandatory (GC-335). Please file a Capacity Declaration.
3. Capacity declaration indicates proposed conservatee is able to attend the court hearing.
4. Court Investigator's report filed.

RECOMMENDATION:

Need to clear notes. When approved, reset conservatorship compliance review.
(/vet/abs/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700230

CASE NAME: CLARENCE RALPH WESTLAND

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MARY ELIZABETH WESTLAND (CPE)...GREGORY L ZUMBRUNN
CLARENCE RALPH WESTLAND (CEP)...SHERRI L KAS TILAHN
COURT INVESTIGATOR (AGN)...PRO/PER
CHRISTINE WESTLAND (OBJ)...LENITA A SKORETZ

GENERAL INFORMATION:

Continued from 10/31/07 and 12/19/07. Court relieves Atty Joan Nelms, although finds no impropriety, and appoints Attorney Sherri Kastilahn appointed for proposed conservatee. Referred to CI.

Continued from 1/30/08 at request of counsel. Parties attempting to resolve.

Continued from 4/2/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by spouse

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests bond be waived as assets are either community or held in the couple's living trust. The only income is pension income which will be used for proposed conservatee's benefit. Petitioner estimates that the pension income is \$28,596/year. Court may wish to fix bond at \$30,000.
JTD
2. Petitioner requests medical and dementia powers. Medical capacity declaration filed supporting has been filed.
3. Petitioner alleges proposed conservatee will attend the hearing. Proposed conservatee was personally served on 9/26/07.
4. Court Investigator's report filed.

5. Need report of counsel (Atty Kastilahn)
6. **Objections to petition for conservatorship filed by Christine Westland, daughter.**

RECOMMENDATION: Set for contested hearing

(/gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700278

CASE NAME: MTR OF ANA GABRIELA ORTEGA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
ANNA G ROMERO (CP)...PRO/PER
ANA GABRIELA ORTEGA (CTP)...NOREEN FONTAINE

GENERAL INFORMATION

Temporary conservatorship denied 11/26/07 (no appearance). Atty Noreen Fontaine appointed for proposed Conservatee.

Continued from 12/26/07 at request of counsel. Nothing new filed.

Continued from 2/13/08 at request of counsel to give notice.

Continued from 4/2/08 at request of counsel for medical capacity declaration.

THIS CASE IS SET FOR HEARING ON
Petition for conservatorship, person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No bond – person only.
2. Petitioner requests medical powers. Need medical capacity declaration.
3. Need report of counsel.
4. Court Investigator report filed.
5. Need attendance of proposed conservatee. Alternatively, would need basis for non-attendance (return of citation is filed).

RECOMMENDATION

Need to clear notes.
(/CBR/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800008

CASE NAME: DANIEL PAUL VAQUERA-BERNAL

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MARIA E BERNAL (CP)...PRO/PER
DANIEL PAUL VAQUERA-BERNAL (CTP)...SHERRI L KAS TILAHN

GENERAL INFORMATION

Continued from 2/13/08. Atty Kastilahn appointed for proposed conservatee.

Continued from 4/2/08. Court reviewed medical capacity declaration and found that it must be completed by a medical doctor or licensed psychologist. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Limited Conservator, person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Atty Kastilahn appointed for proposed conservatee (limited conservatorship).
Report of counsel filed.
- 2 Bond not required – person only.
- 3 Petitioner requests waiver of Court Investigator fees on basis it would impose a financial burden to conservatee's estate since proposed conservatee's only source of income is \$742.00 in SSI. Judge to Determine
- 4 Due diligence declarations filed as to father indicating attempts to locate him via telephone directories, friends and relatives, former employers, last known addresses and petitioner believes father has lived outside of the USA for approximately the last 10 years, which, have proved to be unsuccessful. Judge's discretion. **Supp: Served by mail upon address in Australia 1/23/08.**
- 5 Powers under Pr. C. §§ 2351-2358 sought regarding making health care decisions for proposed conservatee, authorization for medical care and

- treatment of proposed conservatee and collection of entitlements for proposed conservatee. Judge's Discretion.
- 6 Medical Powers sought. **Capacity declaration filed.**
- 7 Powers under Pr. C. § 2351.5 et seq. are granted at court's discretion. The court cannot properly exercise its discretion in the absence of a declaration indicating what specific powers are sought and why each power sought is actually needed. Here, the petitioner has provided only a list of all the powers listed in Pr. C. § 2351.5. Court needs a rationale for each power sought. File verified supplement
- 8 Powers ordering the limiting of civil and legal rights of the proposed conservatee are granted at court's discretion. The court cannot properly exercise its discretion in the absence of a declaration indicating what specific powers are sought and why each power sought is actually needed. Here, the petitioner has provided only a list of all the powers listed in Pr. C. § 2351.5. Court needs a rationale for each power sought. File verified supplement.
- 9 Proposed conservatee is developmentally disabled. Inland Regional Center report in file.
- 10 Declaration filed by mother of proposed Conservatee. Mother states proposed Conservatee is mentally disabled and unable make safe choices based on his mental capacity. Mother also states that she would like to be able to make proper educational and work choices for the proposed Conservatee's future.
- 11 CI Report filed.

RECOMMENDATIONS:

Need to clear notes.

(vet/cbr/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800042

CASE NAME: MTR OF CAROLYN ANN RODGERS

HEARING:
Petition for Appointment of Conservator

COUNSEL:
WILLIAM O RODGERS JR (CPE)...DONNASUE SMITH-ORTIZ
CAROLYN ANN RODGERS (CEP)...NOREEN FONTAINE

GENERAL INFORMATION

Continued from 4/2/08. Atty Noreen Fontaine appointed for proposed conservatee.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$216,000 bond based upon estate value. Appears ok.
2. Petitioner requests medical powers. Medical capacity declaration filed supporting.
3. Petitioner requests dementia powers (placement and meds). Dementia attachment to medical capacity declaration is filed but sections 9a and 9b re specifics as to placement and medication issues are not completed. The court cannot grant dementia powers based upon this declaration. Need corrected dementia attachment. **Corrected Dementia Attachment filed 4/1/08. Supports meds powers only (not placement). See tabbed in confidential file.**
4. Petitioner alleges proposed conservatee is able but unwilling to attend hearing. Return of citation is filed but it contains the wrong hearing date (4/4/08 instead of the proper 4/2/08 hearing date). Need correct return of citation or attendance of proposed conservatee.
5. Court Investigator report filed.
6. Report of counsel, Atty Noreen Fontaine, filed.

RECOMMENDATION:

If approved, set hearing for Compliance Review for **12/17/08** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Care Plan per Pr.C.§2352.5; Final Inventory & Appraisal per Pr.C.§2610; proof of service of Inventory & Appraisal to include Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313.

Set hearing re Accounting Review for **7/22/09**. Any accounting to be filed 30 days in advance.

/abs/kra

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: SC SS03118

CASE NAME: MTR OF JUNE GRAVES

HEARING:

FIRST REPORT AND Account and Report of LEONARD CARL GRAVES and
Petition for allowance of fees filed.

COUNSEL:

LEONARD CARL GRAVES (CPE)...PRO/PER
JUNE GRAVES (CTE)...

GENERAL INFORMATION:

Accounting covers period: 8/1/06 – 7/31/07

Assets on hand: \$212,448.20 (cash of \$4,948.20, annuity of \$100,000 and the balance in
mutual funds investment)

**Continued from 4/2/08. Court reviewed notes with pro per conservator and ordered
matter continued to clear notes.**

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for its
Settlement

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner seeks reimbursement of attorney's fees paid to Attorney Frank Prainito in the amount of \$2,550 for legal services in the preparation of the accounting. Need a copy of attorney's bill statement to determine hourly rate and services provided. **Supp: Itemization provided, shows \$830.35 of retainer still remains on account. Counsel has been relieved. Suggest court inquire re whether balance will be returned to conservatorship estate.**
2. Petitioner makes no request for fees. Conservator receives \$500/month per prior court order made 6/21/07.
3. Petitioner's current bond is fixed at \$250,000 which appears adequate.

RECOMMENDATION:

RFA subject to note 1. If approved, set next accounting review for 10/7/09 (accounting period 8/1/07 to 7/31/09).

(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00346

CASE NAME: MTR OF DELSIE LORENE WILSON

SEE ALSO 28

HEARING:

Petition for APPOINTMENT OF SUCCESSOR PROBATE CONSERVATOR OF THE
PERSON

COUNSEL:

LINDA JOY BRISCOE (CP)...PRO/PER
DELSIE LORENE WILSON (CTP)...
JULIE PINNELL (SC)...JANIS L HILK E
DELSIE LORENE WILSON (CTP)...
JULIE PINNELL (SC)...JANIS L HILK E

GENERAL INFORMATION:

Temporary Letters issued 4/28/08. Court appoints Roberta Taylor for conservatee.

THIS CASE IS SET FOR HEARING ON petition for Successor conservator, Person Only,
by grand-daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Prior conservator of the person only, Delsie Wilson, is deceased. Petitioner requests appointment as successor conservator. No conservatorship of the estate has been established.
2. No bond person only.
3. Petitioner seeks medical powers. Medical Consent Capacity Declaration filed. However, the declaration is not on a Judicial Council form (Capacity Declaration GC-335). Judicial Council forms are mandatory per CRC 7.101. Need proper form.
4. Medical Consent Capacity Declaration is dated 12/4/07. Does court wish to require a more recent evaluation?
5. Court Investigator report as to general petition filed.

6. Need report of counsel.

RECOMMENDATION:

If approved, set hearing for Compliance Review for **12/17/09** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan per Pr.C.§2352.5.

(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00346

CASE NAME: MTR OF DELSIE LORENE WILSON

SEE ALSO 27

HEARING:
Petition for Notice of administration (corrected 2nd supplement)

COUNSEL:
LINDA JOY BRISCOE (CP)...PRO/PER
DELSIE LORENE WILSON (CTP)...
JULIE PINNELL (SC)...JANIS L HILK E
DELSIE LORENE WILSON (CTP)...
JULIE PINNELL (SC)...JANIS L HILK E

Matter should be set as Petition for Exclusive Authority to Give Consent for Medical Treatment.

See notes on prior page (matter #27).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00390

CASE NAME: CONSERVATORSHIP OF MARIANNA E OLSON, ET AL

SEE ALSO 29A

HEARING:
SECOND Account and Report of ROBERT M REED and Petition for
allowance of fees filed.

COUNSEL:
ROBERT M REED (PET)...GREGORY L ZUMBRUNN
MARIANNA E OLSON (CEP)...

GENERAL INFORMATION:
Accounting covers period: 11/16/04 – 10/18/07
Assets on hand: \$31,692.51 (all cash)
Continued from 2/27/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Second Account Current and Petition for
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has received compensation for services of \$9,480.00. Need itemization of services and hourly rate charged for services. File verified supplement.
2. Attorney requests fees of \$6,955.00, of which \$3,530.38 has been paid, leaving a balance due of \$3,424.62. Billed at \$260/hour for 26.75 hours. Itemized.
3. Note: No future payment of fees should be made unless first approved by the court.
4. Need to file original bill statements for Desert Knolls Convalescent Hospital per Pr.C. §2620(c)(5).

5. On disbursements on 3/17/06, there is a payment to Verizon of \$636.09 for "telephone". Question why there is such a large balance owing to the telephone company? File verified supplement.
6. Petitioner alleges the 1988 Ford Taurus Station wagon vehicle (valued at \$500 per inventory) was given in exchange for money owing for work done in connection with the sale of conservatee's home.

RECOMMENDATION:

Court may wish to direct counsel to address note 7 and set the matter for hearing. Need to clear notes 4-5.

(gls/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00390

CASE NAME: CONSERVATORSHIP OF MARIANNA E OLSON, ET AL

SEE ALSO 29

HEARING:
OSC re: REMOVAL/SUSPENSION

COUNSEL:
ROBERT M REED (PET)...GREGORY L ZUMBRUNN
MARIANNA E OLSON (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON OSC re Removal/Suspension

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter set at the time set for hearing re Motion to be relieved as counsel on 4/9/08. There being no appearance by petitioner Robert Reed and no accounting filed court sets OSC. Citation issued as to Robert Reed. It is unclear from the minute order of 4/9/08 as to what accounting the court refers to as the 2nd accounting is now before this court (see prior page).
2. The motion to be relieved as counsel was granted subject to and effective on proof of service of order. No proof of service filed.

RECOMMENDATION:
Court's discretion.
(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00484

CASE NAME: MTR OF COLETTA M OSBORNE AKA COLETTA MAE OSBORNE

HEARING:
Petition for Appointment of Conservator

COUNSEL:

FRANKLIN E OSBORNE	(PET)...
COLETTA M OSBORNE	(PCE)...SANDY TURNER
DIANE D HARKISON	(CE)...M DANIEL SAYLOR
LYNN A SHARP	(OBJ)...STANLEY W HODGE

Duplicate setting.

This hearing was set by clerk's office upon filing of petition.

The same matter (re appointment of conservator) was heard on 4/30/08 and continued by the courtroom at request of counsel.

Court may wish to vacate this hearing as a duplicate matter is set for 6/18/08.

FUTURE HEARING DATES:

6/18/08 Hearing Re: appointment of conservator (person only)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **MISC.**

DATE: 05/14/08 TIME: 1:30 DEPT: E2

CASE #: PROPS0700944

CASE NAME: WERNER J. HUNZIKER TRUST

SEE ALSO 32 & 32A

HEARING:
Mandatory Settlement Conference

COUNSEL:
MILLICENT D MILLER (PET)...BEYER, PONGRATZ & ROSEN
WERNER J HUNZIKER (DEC)...
ANN J TAYLOR (OBJ)...JEANNE KENNEDY

No notes – MSC. See following pages for notes re underlying petitions.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 1:30 DEPT: E2

CASE #: PROPS0700944

CASE NAME: WERNER J. HUNZIKER TRUST

SEE ALSO 31 & 32A

HEARING:
Petition for DETERMINATION OF VALIDITY OF TRUSTS & PETITION FOR
RELIEF FROM BREACH OF TRUST

COUNSEL:
MILLICENT D MILLER (PET)...BEYER, PONGRATZ & ROSEN
WERNER J HUNZIKER (DEC)...
ANN J TAYLOR (OBJ)...JEANNE KENNEDY

Note to court: See confidential memorandum in file.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/14/08 TIME: 1:30 DEPT: E2

CASE #: PROPS0700944

CASE NAME: WERNER J. HUNZIKER TRUST

SEE ALSO 31 & 32

HEARING:
Petition for TO SET ASIDE INSTRUMENT PURPORTED TO BE A WILL

COUNSEL:
MILLICENT D MILLER (PET)...BEYER, PONGRATZ & ROSEN
WERNER J HUNZIKER (DEC)...
ANN J TAYLOR (OBJ)...JEANNE KENNEDY

GENERAL INFORMATION

Continued from 11/14/07 and 1/28/08.

Continued from 2/2/0/08. MSC set for 5/9/08 (later continued by stip to 5/124/08).

THIS CASE IS SET FOR HEARING ON Petition to set aside purported will

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner is decedent's step-daughter and alleged acknowledged daughter. Petitioner is a beneficiary under decedent's will dated 10/17/75 and decedent's Trust dated 9/19/03 of which Alice Taylor, a friend of decedent, is named trustee (exhibits A & B). Decedent died 6/9/07
2. Petitioner has been provided with an alleged new will, which is undated specifically disinheriting petitioner and leaving the entire estate to Alice Taylor, and a hand written note and a signed typed duplicate note leaving the entire estate to Alice Taylor (exhibits C & D). The hand written and typed duplicate notes are dated 11/17/06.
3. Petitioner alleges that these new documents (listed in note 2) were procured by Alice Taylor as a result of her undue influence over decedent. Petitioner alleges that at all times petitioner enjoyed a good relationship with decedent and went on vacations together until health reasons prevented extensive visits. Petitioner

alleges that on or about 2003 Alice Taylor, a neighbor of decedent's, became decedent's care giver and moved into decedent's residence while continuing to maintain her own residence. Petitioner alleges Alice Taylor kept the decedent secluded from family and friends and in 2000 began taking control of decedent's finances.

4. Millicent Miller has filed a safe harbor petition per Pr.C. 21320 et seq. which is also set for this date (see prior page).

RECOMMENDATION:

Set for evidentiary hearing.

(/gls/abs)